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REMARKS

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In the Office Action dated 24 March 2006, the Office alleged that Applicant's Response of 3 January 2006 (received in the Office on 6 January 2006) is not fully responsive to the Office Action of 4 October 2005 because "the applicant has not distinctly pointed out how the claims render the new claims patentable over the applied references" (emphasis in original). The Office continues, indicating "[t]he reply must present arguments pointing out the specific distinctions believed to render the claims, including any presented claims, patentable over any applied points out the supposed errors in the references" (emphasis in original). ²

The Office Action of 4 October 2005 rejects claims 1-4 under 35 USC § 103(a), as being unpatentable over Applicant's Admitted Prior Art ("AAPA") in view of U.S. Patent 5,248,119 to Imura ("Imura"). Applicant's Response dated 3 January 2006, in reply to the Office Action of 4 October 2005, adds new claims 5-20.

In Applicant's Response dated 3 January 2006, Applicant discusses the reasons why the 35 USC § 103(a) rejection of claims 1-4 are improper and why the rejection should be reconsidered and withdrawn. In particular, Applicant's Response discusses why (1) neither AAPA nor Imura discloses or suggests the invention set forth in claims 1-4³ and (2) why AAPA and Imura are not properly combinable.⁴ Moreover, Applicant asserts that "[n]ew claims 5-20 are allowable over AAPA in view of Imura for at least the same reasons set forth above concerning claims 1-4."⁵

¹ Office Action dated 24 March 2006, p. 2, II. 3-9.

² Office Action dated 24 March 2006, p. 2, II. 15-18.

³ Applicant's Response dated 3 January 2006, pp. 9-12.

Applicant's Response dated 3 January 2006, pp. 13-14.

⁵ Applicant's Response dated 3 January 2006, p. 16.

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Thus, the Office's contention that Applicant has not has not "distinctly pointed out

how the claims render the new claims patentable over the applied references" is without

merit as being contrary to fact.

It should be noted that Applicant's representative, Daren C. Davis, spoke with

Examiner Kimberly Wood on 19 April 2006 by telephone to discuss the Office Action of

24 March 2006, Applicant's Amendment of 3 January 2006, and the 24 March 2006

Office Action. It was pointed out to Examiner Wood that Applicant's Amendment in

response to the 4 October 2005 Office Action included the statement that the new

claims (i.e., claims 5-20) are allowable over the cited references for at least the reasons

set forth concerning previously pending claims 1-4. While Examiner Wood has no

recollection of the telephone discussion, Examiner Wood agreed that the statement

indeed complies with the requirement to distinctly point out how the new claims (i.e.,

claims 5-20) are allowable over the cited references. Examiner Wood further indicated

that the 24 March 2006 Office Action would be withdrawn and a new Office Action

would be prepared and issued. Moreover, Examiner Wood indicated that no further

response was required by Applicant and no Interview Summary was needed.

Considering these Remarks and Applicant's Petition for Revival of an Application

for Patent Abandoned Unintentionally Under 37 CFR § 1.137(b), which is being

submitted concurrently with this paper, Applicant respectfully requests (1) entry of

Applicant's Amendment of 3 January 2006, (2) withdrawal of the Office's contention that

Applicant's Response of 3 January 2006 is insufficient, and (3) reconsideration of the

Application on the merits in light of Applicant's Amendment and Remarks of 3 January

2006.

Response to Office Action Dated 24 March 2006 Attorney Docket No. 0837RF-H543-US Serial No. 10/509,928

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CONCLUSION

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Wherefore, in view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and issuance of a Notice of Allowance are earnestly solicited. The Examiner is invited to contact the undersigned at (817) 578-8616 with any questions, comments, or suggestions relating to the referenced patent application.

Respectfully submitted,

4 JUNE 2007

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